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EXAMINER

LAROSE, COLIN M

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/977,318

Applicant(s)

FUKUDA, YASUO

Examiner

Colin M. LaRose

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1103.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1 and 4-8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 13 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The term, "MINE TYPE" is not defined or otherwise described by the specification. "MINE TYPE," in the Examiner's opinion, does not appear to be a common term in the art.

Art Unit: 2623

Those skilled in the art would not know to what the “MINE TYPE of data including the original image” refers. For these reasons, claims 13 and 30 are non-enabling.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 13 and 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 13 and 30, it is unclear to what the term, “MINE TYPE” refers.

### *Claim Objections*

6. The following sections of 37 CFR §1.75(a) and (d)(1) are the basis of the following objection:

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

7. Claims 2, 3, 12, 20, and 21 are objected to under 37 CFR §1.75(a) and (d)(1) as failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Art Unit: 2623

Regarding claims 2, 3, 20, and 21, "image character amount" should be -- image characteristic amount--.

Regarding claim 12, it is unclear what the phrase "determined by in synchronous with" means. Clarification is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 19, 20, 36, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,822,003 by Girod et al. ("Girod").

Regarding claims 1, 19, 36, and 38, Girod discloses an image processing apparatus/method/storage medium/computer instructions (figure 4) comprising for performing the steps of:

a first extracting step (block 407: extracts the inverse DCT values for a reduced number of DCT coefficients (i.e. 3 coefficients)) for extracting a first image characteristic amount (i.e. reconstructed image values for the reduced number of DCT coefficients) from an image;

a second extracting step for extracting a second image characteristic amount from said image (figure 4 shows that the input block, which was extracted from the full image, is utilized as a characteristic amount in determining the error value at block 413);

a judging step (block 413) for judging similarity between the first image characteristic amount extracted by said first extracting step and the second image characteristic amount extracted by said second extracting step; and

a selecting step (block 413) for selecting either the first image characteristic amount or the second image characteristic amount as a characteristic amount of the image in accordance with a judging result of said judging step (i.e. block 413 selects either the reduced reconstructed-image values or the full input block as a characteristic amount of the image, and then processes the image accordingly).

Regarding claims 2 and 20, Girod discloses an image processing apparatus according to claim 1, wherein, if said judging means judges that the image characteristic amounts are similar to each other, said selecting means selects the image character amount having a smaller data amount among the first and second image characteristic amounts, and, if said judging means judges that the image characteristic amounts are not similar to each other, said selecting means selects the image characteristic amount having a greater data amount among the first and second image characteristic amounts (see column 8, lines 6-16).

10. Claims 5-8, 10, 23-26, 28, 37, and 39 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art ("Admission"). [See U.S. 2002/0071609 A1.]

Regarding claims 5, 23, 37, and 39, Admission discloses an image processing apparatus/method/storage medium/computer instructions (figure 8) comprising performing the steps of:

a DCT processing step (S10403) for effecting DCT processing of an image;

a quantization step (S10404) for effecting quantization of data subjected to the DCT processing by said DCT processing step;

a coefficient selecting step (S10405) for selecting the number of quantization DCT coefficients to be extracted among the quantization DCT coefficients subjected to the quantization by said quantization step, in accordance with an original image; and

a setting step for setting the number of quantization DCT coefficients selected by said coefficient selecting step as an image characteristic amount (paragraph 16: the selected number of coefficients is used as image characteristic data).

Regarding claims 6 and 24, Admission discloses the image has 8.times.8 pixels and is represented by Y/Cb/Cr color space (see figure 4).

Regarding claims 7 and 25, Admission discloses the image having 8.times.8 pixels is obtained by scaling-down the original image and by converting it into Y/Cb/Cr color space data if necessary (figure 4: S10401 and S10402).

Regarding claims 8 and 26, Admission discloses extracting several quantization DCT coefficients from a low frequency component side on the basis of the quantization DCT coefficients selected by said coefficient selecting means (figure 1: the quantized DCT coefficients on the low-frequency side are extracted based on the selected number of coefficients).

Regarding claims 10 and 28, Admission discloses the quantization DCT coefficients of Y/Cb/Cr components are re-arranged by zigzag scanning (see figure 1), and, when the original image is a still image, six quantization DCT coefficients of Y/Cb/Cr components are selected,

Art Unit: 2623

respectively, from a low frequency component side, and, when the original image is a moving image, six quantization DCT coefficients of a Y component are selected and three quantization DCT coefficients of Cb/Cr components are selected, respectively, from a low frequency component side (figure 7 shows a mode of operation wherein six coefficients on the low frequency side are selected for each component (Y, Cr, and Cb), and the selecting of the coefficients applies to any image – still or moving – captured while in that mode;

in capturing a still image, six quantization DCT coefficients of Y/Cb/Cr components are selected;

in capturing a moving image, six quantization DCT coefficients of Y/Cb/Cr components are selected – including the capture of three Cb/Cr coefficients; in other words, the claim does not preclude the capture of more coefficients in any mode; it only establishes that a minimum number of coefficients are to be selected).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 9, 15-18, 27, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admission in view of Girod.

Regarding claims 9 and 27, Admission is silent to the image being still image or a frame image having moving image data, and said selecting means selecting the number of



Art Unit: 2623

quantization DCT coefficients in accordance with the fact that the original image is the still image or the fact that the original image is the frame image having moving image data.

Girod discloses selecting DCT coefficients for both still (JPEG) and moving (MPEG) images (see column 2). In particular, Girod teaches that the problem of storing moving image is more severe than storing still images due to the number of images associated with a video sequence (column 2, lines 21-27). Based on this teaching, it would have been obvious to selecting the number of coefficients in accordance with the fact that the image is a still image or a moving image, as claimed, since selecting a lower or higher number of coefficients to process determines how fast processing occurs and how much bandwidth and storage is required to transmit and store the image, as taught by Girod. Since moving images require much more bandwidth and storage space than still images, it would have been obvious to select the coefficients in accordance with the fact that the image is a still image and does not require high bandwidth/storage space or the fact the image is a moving image and does require high bandwidth/storage space.

Regarding claims 15 and 32, Admission discloses two candidates (121 and 122, figure 1) are prepared as the number of quantization DCT coefficients in said selecting means, and one is selected (S10405, figure 8) among them.

Admission does not disclose: similarity between first image characteristic amount data associated with the smaller number of quantization DCT coefficients and second image characteristic amount data associated with the greater number of quantization DCT coefficients is judged, and

one of the first image characteristic amount data and the second image characteristic amount data associated with the greater number of quantization DCT coefficients is selected in accordance with a comparison result between a similarity value and a predetermined threshold value.

Rtaher, Admission discloses that the selecting of the “characteristic amount data” (e.g. 121 or 122, figure 1) is predetermined and that no comparison of the two characteristic amount is effected (see paragraph 25 and figures 6 and 7).

Admission discloses that the similarity between characteristic data, such as 121 and 122 in figure 1, may be calculated (see paragraphs 21-24) but does not disclose that the data can be compared to effect a selection, as claimed.

Girod discloses an image processing system that selects between utilizing a reduced number of DCT coefficients or the full number of DCT coefficients. Figure 4. A DCT that generates only three coefficients is computed (401). Then, the inverse of those three coefficients is computed (407) and compared (413) to the original input block (405) to generate an error value. If the error value is smaller than a threshold, then the reduced number of DCT coefficients is utilized; if the error value is larger than a threshold, then the full number of DCT coefficients is utilized.

Essentially, Girod discloses comparing a reduced-sample version of the image block to the original version of the image block. If the two versions are substantially similar, then Girod concludes that the reduced-sample version is a suitable representation of the image block. Otherwise, the original version is utilized.

Art Unit: 2623

Using the reduced-sample version has the primary advantage of required less bandwidth than the original version, while being perceptually similar to the original version (see column 7, lines 9-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Admission by Girod to achieve the claimed invention by

1) determining the similarity of two characteristic amount data (e.g. 121 and 122, figure 1) and

2) selecting one of the two data amounts based on a comparison between the similarity and a threshold,

since Girod teaches that calculating the similarity between a reduced-sample version and a full version of an image block, and then selecting one of the two version based on the similarity allows an image block to be encoded with less bandwidth when the reduced-sample version is substantially similar to the full version.

It is noted that Girod performs comparisons in the image domain, whereas the comparison of Admission in paragraphs 21-24 is in the frequency domain. In spite of this distinction, Girod's broad teaching of comparing a reduced-sample version to a higher-sample version to effect a selection thereof provides sufficient motivation for Admission to perform a frequency-domain comparison in order to select between characteristic amounts, such as 121 and 122 of figure 1.

Regarding claims 16 and 33, Admission discloses the similarity between the first image characteristic amount data and the second image characteristic amount data is judged, judgement

Art Unit: 2623

of similarity is effected by supplementing a predetermined value as data of a coefficient portion which is not included in the first image characteristic amount data having smaller number of coefficients but is included in the second image characteristic amount data having greater number of coefficients to the first image characteristic amount data (see paragraph 24).

Regarding claims 17, 18, 34, and 35, Admission discloses the predetermined value is 16 which is the number of quantization DCT coefficients and which means that the DCT coefficient is zero.

13. Claims 3, 4, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girod in view of Admission.

Regarding claims 3 and 21, Girod is silent to the image character amount being obtained by scaling the image and by effecting DCT processing and quantization processing on the scaled image and by extracting several coefficients among coefficients obtained by a processing result from a low frequency component side.

Rather, Girod discloses the image characteristic amount is obtained by performing a 3-coefficient DCT (401, figure 4) for coefficients on the low-frequency component side. Girod also discloses quantizing the coefficients (column 8, lines 24-33) but is silent to scaling the image.

Admission discloses that, in conventional MPEG processing, the image is scaled down (S10401, figure 8) prior to DCT processing and quantizing. It would have been obvious to achieve the claimed invention by scaling down the image prior to DCT processing and

Art Unit: 2623

quantizing since Admission shows that scaling down the image is a conventional technique whose advantages are well-known.

Regarding claims 4 and 22, Girod's first and second extracting processing corresponds to different numbers of coefficients (i.e. the 3-coefficient DCT only produces 3 DCT coefficients, whereas the DCT of the full block produces the full number of DCT coefficients).

14. Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admission in view of U.S. Patent Application Publication 2002/0024602 by Juen.

Regarding claims 11 and 29, Admission is silent to image inputting means capable of inputting both still image data and moving image data, and judging means for judging whether the image inputted in accordance with an image input mode is a still image or a frame image having the moving image data.

Juen discloses a digital camera capable of inputting both still and moving images. In figure 6, a changeover switch 10b judges whether the image inputted is in accordance with a still mode or moving image mode.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Admission with an input means that is capable of inputting both still and moving images in accordance with Juen's disclosure, since Juen's camera provides the versatility of inputting either still or moving images.

15. Claims 12, 14, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admission in view of Juen, and further in view of Girod.

Regarding claim 12, Juen discloses said image inputting means capable of inputting both still image data and moving image data is a digital video device capable of effecting still image sensing (e.g. figure 6).

Juen does not disclose that the number of quantization DCT coefficients to be selected is determined by [[in synchronous with]] an image sensing mode of said digital video device.

However, for the same reasons as articulated for claim 9 above, it would have been obvious in view of Girod to selected the coefficients based on whether the captured image is a still image (i.e. JPEG) or a moving image (i.e. MPEG).

Regarding claims 14 and 31, the feature of the extension of a file number of data including the original image judging whether the original image has still image data or moving image data would have been an obvious expedient (Official notice is taken of the fact that the file extensions of image data conventionally indicate ("judge") the type of image).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (703) 306-3489. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (703) 306-0377.

Application/Control Number: 09/977,318

Page 14

Art Unit: 2623

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Group Art Unit 2623

28 September 2004

A handwritten signature in black ink, appearing to read 'Vikram Bali', with a stylized, cursive script.

**VIKKRAM BALI**  
**PRIMARY EXAMINER**